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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHACKO DAVIS, DABORAH

ART UNIT	PAPER NUMBER
1756	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,709

Applicant(s)

HAM, YONG-SUNG

Examiner

Daborah Chacko-Davis

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 18 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U. S. Patent No. 6,722,760 (Jeong et al., hereinafter referred to as Jeong).

Jeong, in col 1, lines 12-15, in col 2, lines 1-67, and in figures 2A through 2C, discloses a pattern comprising providing a substrate wherein a plurality of panels and process-subjected layers are formed, wherein the substrate includes plurality of areas (forming display device on a large area of the substrate), providing a cliché with recesses (plurality of grooves), filling the recesses with resist, and transferring the resist formed in the recesses of the cliché to the process-subjected layer of the substrate by using a printing roll (transfer roll), with the same width (desired size) as that of the panel in the display device (substrate area), that rotates and contacts the surface of the cliché, and transferring the resist formed on the transfer roll to the process-subjected layer by rotating and contacting the surface of the process-subjected layer (claim 18).

The process limitations in claim 18 are noted. However, when the examiner has found a substantially similar product as in the applied prior art, the burden of proof is shifted to applicant to establish that their product is patentably distinct and not the examiner to show the same process of making. *In re Brown*, 173 USPQ 685 and *In re Fessmann*, 180 USPQ 324.

The disclosed product of Brandow and the instantly claimed product appear to be essentially the same, comprised of the same components, a pattern on the etching object layer, and used in the same manner. In the event any differences can be shown for the product of the product-by-process claim 18 as opposed to the product taught by Brandow, such differences would have been obvious to one of ordinary skill in the art as a routine modification of the product in the absence of a showing of unexpected results. See *In re Thorpe*, 227 USPQ 964 (Fed. Cir. 1985).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-32, are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,722,760 (Jeong et al., hereinafter referred to as Jeong) in view of U. S. Patent Application Publication No. 2002/0073863 (Yoshizawa et al., hereinafter referred to as Yoshizawa).

Jeong, in col 1, lines 12-15, in col 2, lines 1-67, and in figures 2A through 2C, discloses a method of forming a pattern comprising providing a substrate wherein a plurality of panels and process-subjected layers are formed, wherein the substrate includes plurality of areas (forming display device on a large area of the substrate), providing a cliché with recesses (plurality of grooves), filling the recesses with resist, and transferring the resist formed in the recesses of the cliché to the process-subjected layer of the substrate by using a printing roll (transfer roll), with the same width (desired size) as that of the panel in the display device (substrate area), that rotates and contacts the surface of the cliché, and transferring the resist formed on the transfer roll to the process-subjected layer by rotating and contacting the surface of the process-subjected layer (claims 1-2, 5, 11-12, 17, and 18-20,). Jeong, in col 2, lines 54-60, discloses that the length of the resist to be transferred is the same as the circumference of the transfer roll (cylindrical) which in turn is the same as the length of the panel (plurality of divided areas of the substrate) and that the cliché, and the transfer roll have the same size as that of the panel (divided area of the substrate) (claims 4, 6, 7, 13, 22, and 24-25). Jeong, in col 1, lines 18-67, discloses that the process-subjected layer (etching object layer) may be a metal layer, or a semiconducting layer or an insulating layer such as SiOx or SiNx (claims 8-10, 14-16).

The difference between the claims and Jeong is that Jeong does not disclose that the resist in the grooves is formed on the blanket formed on the surface of the transfer roll (printing roll), and that the printing roll with the blanket is rolled on the cliché. Jeong does not disclose that the printing roll with the blanket with the resist material is

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rolled thereon the surface of the etching object layer (claim 21). Jeong does not disclose that the size and shape of the blanket (same circumference) is the same as that of the roll, and that the height of the blanket is the same as that of the printing roll (claim 23). Jeong does not disclose that the area of the blanket is less than an area of the etching object layer (claim 26). Jeong does not disclose that the area of the etching object layer is substantially a whole multiple of the area of the blanket (claim 27). Jeong does not disclose that the blanket improves adhesive force with the resist (claims 28-32).

Yoshizawa, in the abstract, in [0004], [0020], [0021], [0022], discloses forming a blanket on the outer circumferential surface of the cylinder of the printing press i.e., forming a blanket layer on the printing roll, wherein the blanket on the printing press is of the same size and shape (same circumference, height) as that of the printing roll and has a surface area less than that of the substrate to be transferred, and the blanket improves the adhesive force with layer to be applied.

Therefore, it would be obvious to a skilled artisan to modify Jeong by employing a transfer layer (blanket), having the claimed dimensions, on the printing roll as suggested by Yoshizawa because Yoshizawa, in [0004], discloses that the blanket enables the attachment of the plate to the cylinder, and in [0020], and [0021], discloses that the blanket layer eliminates the necessity of reperforming the insertion operation and reliably pushes the object from the cylindrical surface for removal of the object.

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, and 4-32, filed September 1, 2006, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daborah Chacko-Davis whose telephone number is (571) 272-1380. The examiner can normally be reached on M-F 9:30 - 6:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F Huff can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dcd

December 11, 2006.


JOHN A. MCPHERSON
PRIMARY EXAMINER